

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA

S2 17 Cr. 548 (PAC)

-v.-

JOSHUA ADAM SCHULTE,

Defendant.

STATE OF NEW YORK)
COUNTY OF NEW YORK ss.:
SOUTHERN DISTRICT OF NEW YORK)

DECLARATION

I, John C. Demers, hereby declare the following:

1. I am the Assistant Attorney General in charge of the National Security Division, United States Department of Justice.
2. The Attorney General, pursuant to Section 14 of the Classified Information Procedures Act, 18 U.S.C. App. III (hereinafter CIPA or “the Act”), has designated the Assistant Attorney General, National Security Division, to exercise or perform the functions and duties conferred on the Attorney General and the Deputy Attorney General by the Act.
3. I submit this declaration pursuant to Sections 6(a) and 6(c) of CIPA, which authorize me, as the Assistant Attorney General, to request that Section 6 hearings in this matter be held *in camera*, and pursuant to Section 6(d) of CIPA, which provides that the transcript of any *in camera* hearing be sealed.
4. The matters stated herein are based on my knowledge, my review and consideration of information available to me in my official capacity as Assistant Attorney General, and discussions that I have had with other officials of the Department of Justice.

5. The Government has requested, pursuant to CIPA Sections 6(a) and 6(c), that the Court conduct a hearing to make determinations concerning the use, relevance, or admissibility of classified information that would otherwise be made during pretrial hearings or trial and to order, if appropriate, certain protections to be applied at trial in connection with specific classified information, in lieu of disclosure of such classified information at trial or in pretrial proceedings.

6. CIPA Sections 6(a) and 6(c) provide that any such hearings shall be held *in camera* at the request of the Attorney General or his designee, if the Attorney General or his designee certifies that a public proceeding may result in the disclosure of classified information.

7. As the Attorney General's designee, I certify that a public proceeding on any part of this matter may result in the disclosure of the classified information which is the subject of the Government's motion.

8. Therefore, I respectfully request that any such hearings be held *in camera* in all respects, pursuant to Sections 6(a) and 6(c) of CIPA, and that the transcripts of these hearings be sealed, pursuant to Section 6(d) of CIPA.

Pursuant to Title 28, United States Code, Section 1746, I hereby declare under penalty of perjury that the foregoing is true and correct.

Executed on the 15th day of November, 2019.


John C. Demers
Assistant Attorney General
National Security Division